

2009 WSDOT Agency Request Legislation **Information**

Bills for Agency Request (Approved by Governor's office)

Concerning Bond Amounts for Department of Transportation Highway Contracts

To help deliver the many projects on time and within budget WSDOT has explored innovative ideas for delivery. The construction industry strongly encouraged WSDOT to consider adjusting the performance bond amount on the most expensive projects. Because of the increased number of construction projects and rising costs, contractors are finding it more difficult and expensive to obtain performance bonds that are above \$250 million, and are experiencing a limited ability to bid on additional projects. Surety bonds requiring 100% of contract value on mega projects impacts the public as fewer bidders are able to compete due to the limited capacity to maintain such high bond limits. This may result in higher project bids, and restrict the potential for business growth of affected Washington state contractors.

This proposed legislation would adjust the performance bond amount for projects with a contract value exceeding \$250 million, while ensuring the state's exposure to loss is still 100% covered. In practice, this will be implemented on our largest mega-project contracts.

Addressing Liability for Damages to State Property Resulting from the Illegal Operation of a Vehicle

Currently, this bill allows the Washington State Department of Transportation (WSDOT) to pursue recovery of damage to a "public highway, bridge, or elevated structure" that results from the illegal operation of a vehicle by an individual or entity. Unfortunately, some tortfeasors and/or their insurance companies have refused to reimburse the state for damage done to other forms state property (e.g., WSDOT vehicles) because such property is not specifically listed in this statute. This amendment will facilitate collection of repair costs, and, in doing so, will help reduce the burden placed on the state coffers to front repair charges and will help expedite completion of necessary repairs.

This bill also comes from a recommendation from the most recent State Auditor's Office Audit of WSDOT where they stated that the legislature revise the law to add clarifying language that includes "traffic-control only" costs, because currently WSDOT's Risk Management Office does not make collection efforts on those accounts which results in write-offs.

Bills for Agency Request Pending (Pending decision by Governor's office)

Concerning metal property

The most recent legislation related to Stolen Metal Property was Engrossed Substitute Senate Bill 5312, which was signed into law last year. The WSDOT partnership wire theft task force is recommending this metal property legislation.

The current legislation primarily addresses the sellers of stolen metal property. This proposed legislation will increase law enforcement's ability to prosecute metal property theft by making it easier to identify the thieves, potential stolen metal property, and equipment left at the crime scene (i.e. thumbprint, photocopy of ID, video surveillance or photocopy of recycled material). By increasing the records retention period from 1 year to 3 years, law enforcement will be able to review transaction record history to look for repeat sales to the same individual, repeat cash sales just below the current \$30 threshold, along with illegal sales to people on the "do not buy list" (i.e. criminal record for burglary).

Extending the time period for the department of transportation to enter into an agreement for a rail line over the Milwaukee Road corridor

The current bill gives WSDOT until July 1, 2009 to negotiate and enter into a franchise to re-open the "Milwaukee Road corridor" commonly referred to as the Lind Line. To date no potential operator has stepped forward seeking such a franchise. Based on information from stakeholders, WSDOT proposes that the deadline be extended for a total of 10 years, until July 1, 2019.

Incidentally, the Climate Action Team's Transportation Implementation Working Group recently released a set of recommendations that includes the Ellensburg to Lind corridor.

Provisos for Budget Bill

Addressing Capacity Improvements and Traffic Management on the Interstate 405 Corridor

This bill would authorize WSDOT to do a study on Interstate 405 corridor management and the need for capacity improvements and extensive traffic management to ensure its safe and efficient operation, including HOT lanes.

Authorizing the Use of Automated Traffic Safety Cameras in State Highway Work Zones

Previous agency request legislation authorized a pilot project for automated traffic safety cameras in work zones. The pilot project is currently in process and actual enforcement began in September of 2008. We expect to report to the Legislature in 2009 on other impacts of the pilot project. This request would be authorization to continue the pilot program.

Addressing the Solicitation and Review of State Highway and Bridge Projects

The effect of this change is to postpone the date when any person (i.e., private developers/constructors) can submit a proposal for a PPP project and be guaranteed a review of the proposal and decision on whether the state will proceed with the proposed project. In other words, the unsolicited proposal process provides the private sector with an absolute right to submit and have a state decision on a PPP proposal. The moratorium prevents that from happening during the next two years. WSDOT's position has been that we want to develop toll projects methodically and based on clear legislative and executive approvals, not in an ad hoc manner based on private developer's interests or frustrations with state decision-making.